
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-4702.2/02 2nd draft

ATTY/TYPIST: KB:ads

BRIEF DESCRIPTION:

2 SSB 6447 - H COMM AMD

3 By Committee on Technology, Telecommunications & Energy

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 19.158.110 and 1989 c 20 s 11 are each amended to
8 read as follows:

9 (1) Within the first minute of the telephone call, a commercial
10 telephone solicitor or salesperson shall:

11 (a) Identify himself or herself, the company on whose behalf the
12 solicitation is being made, the property, goods, or services being
13 sold; and

14 (b) Terminate the telephone call within ten seconds if the
15 purchaser indicates he or she does not wish to continue the
16 conversation.

17 (2) If at any time during the telephone contact, the purchaser
18 states or indicates that he or she does not wish to be called again by
19 the commercial telephone solicitor or wants to have his or her name and
20 individual telephone number removed from the telephone lists used by
21 the commercial telephone solicitor:

22 (a) The commercial telephone solicitor shall not make any
23 additional commercial telephone solicitation of the called party at
24 that telephone number within a period of at least one year; and

25 (b) The commercial telephone solicitor shall not sell or give the
26 called party's name and telephone number to another commercial
27 telephone solicitor: PROVIDED, That the commercial telephone
28 solicitor may return the list, including the called party's name and
29 telephone number, to the company or organization from which it received
30 the list.

31 (3) The utilities and transportation commission shall by rule
32 ensure that telecommunications companies inform their residential
33 customers of the provisions of this section and section 2 of this act.
34 The notification may be made by:

35 (a) Annual inserts in the billing statements mailed to residential
36 customers; or

1 (b) Conspicuous publication of the notice in the consumer
2 information pages of local telephone directories.

3 (4) If a sale or an agreement to purchase is completed, the
4 commercial telephone solicitor must inform the purchaser of his or her
5 cancellation rights as enunciated in this chapter, state the
6 registration number issued by the department of licensing, and give the
7 street address of the seller.

8 (5) If, at any time prior to sale or agreement to purchase, the
9 commercial telephone solicitor's registration number is requested by
10 the purchaser, it must be provided.

11 (6) All oral disclosures required by this section shall be made in
12 a clear and intelligible manner.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.158 RCW
14 to read as follows:

15 (1)(a) The department of licensing shall provide for the
16 establishment and operation of a list of telephone numbers of persons
17 who object to receiving commercial telephone solicitations. The list
18 shall be called the do not call list. The department shall update the
19 list quarterly, and shall provide the list, in written or electronic
20 form, to commercial telephone solicitors that are registered with the
21 department under RCW 19.158.050 and have paid all applicable fees. The
22 department shall establish a fee sufficient to support the costs of
23 administering and enforcing this section and providing the list
24 quarterly to each commercial telephone solicitor. To the extent that
25 moneys from civil penalties or attorney fee awards are deposited in the
26 commercial telephone solicitation account, the department shall use
27 these revenues to support its responsibilities under this section, and
28 it shall adjust the fee accordingly. Each commercial telephone
29 solicitor registered under this chapter must pay the fee annually. The
30 department of licensing may contract with a private vendor to establish
31 and maintain the do not call list.

32 (b) Beginning January 1, 2003, persons wishing to have their phone
33 numbers placed on the list must notify the department of licensing. A
34 listing shall be effective for two years, after which the person may
35 renew the listing for successive two-year periods by notifying the
36 department of licensing. The department of licensing shall determine
37 the notification requirements.

1 (c) All fees collected by the department of licensing under this
2 section, and civil penalties and attorneys' fees collected by the
3 attorney general in enforcing this section, shall be deposited in the
4 commercial telephone solicitation account created in section 3 of this
5 act, and used solely for the administration and enforcement of this
6 section.

7 (2) No commercial telephone solicitor may make a commercial
8 telephone solicitation to any telephone number more than sixty days
9 after the number appears on the current do not call list.

10 (3) A telephone solicitation made to a number on the do not call
11 list is not a violation of this section if the telephone solicitation
12 is an isolated occurrence made by a person who has in place adequate
13 procedures to comply with this section.

14 (4) The legislature finds that the practices covered by this
15 section are matters vitally affecting the public interest for the
16 purpose of applying the consumer protection act, chapter 19.86 RCW. A
17 violation of this section is not reasonable in relation to the
18 development and preservation of business and is an unfair or deceptive
19 act in trade or commerce and an unfair method of competition for the
20 purpose of applying the consumer protection act, chapter 19.86 RCW. In
21 addition to any other penalties or remedies available under this
22 chapter or chapter 19.86 RCW, a person injured by a violation of
23 subsection (2) of this section may bring an action for recovery of
24 liquidated damages in the amount of one thousand dollars per violation,
25 plus court costs and attorneys' fees.

26 (5) The director of the department of licensing may make rules,
27 create forms, and issue orders as necessary to carry out the provisions
28 of this section.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.158 RCW
30 to read as follows:

31 The commercial telephone solicitation account is created in the
32 custody of the state treasurer. All moneys received by the department
33 under section 2 of this act and civil penalties and attorneys' fees
34 collected by the attorney general in enforcing section 2 of this act
35 shall be deposited in the commercial telephone solicitation account and
36 used solely for the administration and enforcement of section 2 of this
37 act. Only the director of the department of licensing or the
38 director's designee may authorize expenditures from the account. The

1 account is subject to allotment procedures under chapter 43.88 RCW, but
2 no appropriation is required for expenditures.

3 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2002."

4 Correct the title.

EFFECT: Maintains the direction to the Department of Licensing to establish a do not call list and set a fee to be paid by registered commercial telephone solicitors to cover the cost of the program and changes the date for implementing the program from July 1, 2003, to January 1, 2003. Clarifies that the fee set by the Department must take into account money collected from civil penalties and awards of attorneys' fees.

--- END ---